

# **TEXAS CIVIL COMMITMENT**

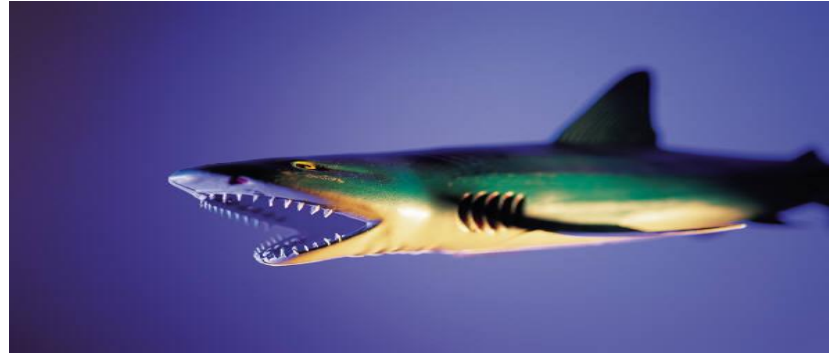
## **Outpatient Sexually Violent Predator Treatment Program**

**HEALTH & SAFETY CODE  
CHAPTER 841**

# OFFICE OF VIOLENT SEX OFFENDER MANAGEMENT (OVSOM)

- ▶ New state agency created 09/01/11(Government Code, Chapter 420A)
- ▶ Council on Sex Offender Treatment (CSOT) administered the Civil Commitment program-program transferred to OVSOM 09/01/11
- ▶ Mission: Enhance public safety by developing and implementing strategic management policies to protect the citizens of Texas and enhance protection of victims and potential victims through research based management of sexually violent predators and sex offenders.

# WHY DOES TEXAS HAVE A CIVIL COMMITMENT PROGRAM?



- ✚ The legislature found that a small but extremely dangerous group of sexually violent predators exists and that those predators have a behavioral abnormality that is not amenable to traditional mental illness treatment modalities and that makes the predators likely to engage in repeated predatory acts of sexual violence.
- ✚ The legislature found that a civil commitment procedure for the long-term supervision and treatment of sexually violent predators is necessary and in the interest of the state.

# WHY OUTPATIENT MODEL?

- ▶ September 1, 1999 Texas Governor signed Senate Bill 365, establishing the first outpatient civil commitment program in the United States.
- ▶ **FISCAL.** Inpatient cost per year (\$80-\$110K) vs. outpatient cost (\$27-\$30K); 2008 VA spent \$62 million
- ▶ Estimated costs for inpatient facility-\$10.4 million(Texas); Program received \$4 million for program start-up.
- ▶ Inpatient models have high treatment refusal rates
- ▶ Litigation issues

# WHAT IS CIVIL COMMITMENT?

- ☞ Commitment is to an Outpatient Treatment Program vs. Mental Health commitment to a hospital/state school (H & SC, Chapter 574)
- ☞ Civil not Criminal
- ☞ Committed not Convicted
- ☞ 3<sup>rd</sup> Form of Supervision in Texas
- ☞ Created in 1999, Implementation began in 2000
- ☞ Program Priority-COMMUNITY SAFETY
- ☞ Program Goal-NO MORE VICTIMS

# WHO IS ELIGIBLE FOR COMMITMENT?

- ❖ Sex Offender must be serving time in a Texas Prison
- ❖ Have more than one sexually violent offense
- ❖ Been assessed to have a behavioral abnormality that makes the person likely to commit acts of predatory sexual violence

# DEFINITIONS

- ❖ **Sexually Violent Predator**-a repeat sexually violent offender; and suffers from a behavioral abnormality that makes the person likely to engage in a predatory act of sexual violence
- ❖ **Sexually Violent Offense:**
  - Aggravated Sexual Assault
  - Sexual Assault
  - Indecency with child (by contact)
  - Burglary of Habitation W/I/C Rape
  - Aggravated Kidnapping
  - Murder (w/sexually motivated conduct)
  - Any attempt/conspiracy/solicitation of the above

# DEFINITIONS CONTINUED

- ❖ **Behavioral Abnormality**-means a congenital or acquired condition that, by affecting a person's emotional or volitional capacity, predisposes the person to commit a sexually violent offense, to the extent that the person becomes a menace to the health and safety of another person
- ❖ **Predatory Act**-an act directed toward individuals, including family members for the primary purpose of victimization.



# PROCESS OVERVIEW

- Review by Multi-Disciplinary Team (MDT)-must be incarcerated in Texas prison at the time of review
- Referral to assess whether the person suffers from a **behavioral abnormality** that makes the person likely to engage in a predatory act of sexual violence
- Texas Department of Criminal Justice (TDCJ) may refer the case to the Special Prosecution Unit (SPU)
- SPU decides whether or not to file a petition
- If petition is filed, both SPU and State Counsel for Offenders (SCFO) will obtain another assessment
- Judge or Jury determine if the person is a sexually violent predator

# MULTI-DISCIPLINARY TEAM (MDT)

- Seven (7) Members on the Team (One from DSHS, two from TDCJ-one of which is from victim services office, two from OVSOM, one from CSOT, one from DPS)
- Meet Monthly
- Review Cases that have more than one sexually violent offense
- Assesses whether the person is a repeat sexually violent offender AND whether the person is likely to commit a sexually violent offense after release
- Majority vote required to recommend a person for a behavioral abnormality assessment

# Order of Commitment

- ▶ Requires mandated treatment
- ▶ Requires residing in facility approved by OVSOM
- ▶ No victim/potential victim contact
- ▶ Requires the person to submit to Active-GPS tracking
- ▶ Establishes a child safety zone (1000 ft)
- ▶ Shall follow all written requirements of OVSOM case manager (4 sets of rules)
- ▶ S/O registration-every 30 days

# POST COMMITMENT

- ❖ Program begins upon release from prison/secure facility
- ❖ Supervision by Case Manager
- ❖ Outpatient Sex Offender Treatment by LSOTP
- ❖ Global Positioning Tracking; 24/7
- ❖ Polygraphs
- ❖ Plethysmographs
- ❖ Urinalysis/Hair testing
- ❖ Sex Offender Registration
- ❖ Biennial Review
- ❖ Unauthorized Petition Notice

# Case Management of a SVP

- ▶ 14:1 supervision ratio (exceptions can be made)
- ▶ 5 supervision levels
- ▶ Team approach-Chair is Case Manager (Program Specialist)
- ▶ Case Manager oversees all aspects of treatment/supervision
- ▶ GPS Monitoring (24/7)
- ▶ Contact standards-minimum 1X per week
- ▶ Daily Activity Schedules

# Daily Activity Schedule

## OFFICE OF VIOLENT SEX OFFENDER MANAGEMENT ACTIVITY SCHEDULE

Day & Date	Home		Work or Job Search			Trans Mthd	Arrive	Leave	Counseling or Personal Business Business Name / Address / Telephone
	Out Time	In Time	Arrive	Leave	Address / Telephone				
Sun									
Mon									
Tue									
Wed									
Thu									
Fri									
Sat									

I have read my schedule and I agree to follow the schedule time-for-time, destination-to-destination, without deviation. If a scheduled activity is cancelled by the Program Specialist, I understand that I will be in lockdown during that time period. I agree to use only the time on the Tracking Device as the determining factor as it relates to my schedule. I will use the method of transportation as indicated on my schedule, unless otherwise specified by my Program Specialist.

\_\_\_\_\_  
Client Printed Name

\_\_\_\_\_  
Client Address

\_\_\_\_\_  
Client Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Program Specialist Printed Name

\_\_\_\_\_  
Parole Officer Signature

\_\_\_\_\_  
Program Specialist Signature

\_\_\_\_\_  
Date

# Daily Activity Schedule

Day and Date	Home		Work or Job Search				Counseling or Personal Business	
	Out Time	In Time	Arrive	Leave	Address/Telephone	Arrive	Leave	Address/Telephone
<b>Monday</b> 2/3/2003	8:00 a.m.	#####	8:30 a.m.	9:30 a.m.	Arby's 1234 West Hwy 867-5900			N/A
			10:00 a.m.	11:00 a.m.	U.P.S 3456 East Houston Lane 787-5900			
<b>Tuesday</b> 2/4/2003	N/A Lockdown	N/A Lockdown			N/A			N/A
<b>Wednesday</b> 2/5/2003	8:00 a.m.	2:15 p.m.	9:00 a.m.	10:00 a.m.	Express Lube 1234 Parkway 989-7900	12:00 p.m.	1:30 p.m.	Sex Offender Treatment 345 Highway 234-4567
			10:30 a.m.	11:00 a.m.	Oil Change 456 East Loop 787-5600			
<b>Thursday</b> 2/6/2003	1:30 p.m.	4:45 p.m.			N/A	2:00 p.m.	2:45 p.m.	H.E.B 7890 Trailway #345-098
						3:00 p.m.	3:15 p.m.	First Bank 4564 Loop Road
						3:30 p.m.	4:00 p.m.	Social Security 15 N.Hwy #234
<b>Friday</b> 2/7/2003	9:00 a.m.	11:00 a.m.			N/A	9:15 a.m.	10:15 a.m.	Report. Of Public Safety 1342 East 567-0999
<b>Saturday</b> 2/8/2003	10:00 a.m.	2:30 p.m.			N/A	10:30 a.m.	12:00 p.m.	Sex Offender Treatment 345 Highway 234-457
	3:00 p.m.	4:00 p.m.				3:15 p.m.	3:45 p.m.	Money Box 3333 Rolling Trail 345-5555
<b>Sunday</b>	N/A Lockdown	N/A Lockdown						

EXAMPLE

I have read my activity schedule and I agree to follow the schedule time for time, destination to destination, without deviation.

I agree to use only the time on the Portable Tracking Device as the determining factor as it relates to my schedule.

Jimmy Joe Offender

Client's Printed Name

Ima Lawful

Case Manager's Printed Name

1234 West Gate Apt. 456, Rosebud Texas

Client's Address

Client's Signature

Case Manager's Signature

**Distribution-**

**Original-**Case Manager

**Copies-**

DPS and Client

(CSOT 2/03)

# COMMITMENT VIOLATIONS

- ❖ Can be charged with a 3<sup>rd</sup> degree felony for Failure to Comply with Civil Commitment; Can be enhanced
- ❖ Approximately 38% have returned to prison with new Civil Commitment Convictions (order violations)
- ❖ Five (5) have returned to prison with new criminal felony (non-sexual) convictions other than Civil Commitment



# RELEASE FROM CIVIL COMMITMENT

- Authorized Petition for release
- Unauthorized Petition for release (w/out case manager consent)
- Biennial Review
- Death

# STATS

- ❖ Approximately 234 Committed SVPs
- ❖ Half reside in community
- ❖ Residence is in the major metro areas
- ❖ Approx. 1/4 are psychopaths
- ❖ Approx. 1/4 receive MHMR services
- ❖ Approx. 702 offenses/234 offenders
- ❖ 7 Offenders have died
- ❖ 0 Released from program

# **GENERAL INFORMATION**

- Approximately fifty (50) trials/agreed orders occur each year;
- November 2004-In Re the Matter of Fisher-Texas Supreme Court upheld constitutionality;
- Contractors/FTEs are utilized for supervision and treatment
- There have been 0 cases charged with a new sexual offense in the Texas Program
- Most SVPs reside in residential facility
- Approximate cost: \$27,000-\$30,000 per offender per year-provided they remain in community
- FY12 appropriation-\$4,037,687; FY13-\$4,766,511
- 20 Full time staff (15 field staff, 2 Program Specialists, 1 Admin, 1 Manager, 1 ED)
- Unique-no one agency controls CC process (SPU, TDCJ, OVSOM, DA's)

# Measuring Success?

- ▶ Community Safety?
- ▶ Recidivism?
- ▶ Program Completion?
- ▶ New conviction?

# PROGRAM CHALLENGES

- ▶ Prosecution/violations-County variations/Sentencing;
- ▶ Bond amounts
- ▶ ADA's-County variations, discretion
- ▶ MHMR Population
- ▶ Lack of self pay-clients entitled to SS

# QUESTIONS?

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